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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	SIPA LIQUIDATION Adv. Pro. No. 08- 01789 (BRL) (Substantively Consolidated)
In re: BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. SONJA KOHN, et al., Defendants.	Adv. Pro. No. 10- 5411 (BRL) No. 11 Civ. 1181 (JSR)

**DEFENDANT UNICREDIT BANK AUSTRIA AG'S
NOTICE OF MOTION TO DISMISS COUNTS 1, 2 AND
20 THROUGH 22 OF THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support
of Defendant UniCredit Bank Austria AG's Motion to Dismiss Counts 1, 2 and 20 Through 22 of

the Amended Complaint, and all the papers filed and proceedings had herein, defendant UniCredit Bank Austria AG, respectfully hereby moves this Court before the Hon. Jed S. Rakoff at the United States Courthouse, 500 Pearl Street, New York, New York, for an order dismissing Counts 1, 2 and 20 through 22 in the above-captioned proceeding.¹

In accordance with the schedule set by this Court, moving papers from UniCredit Bank Austria AG will be filed and served by July 25, 2011; opposition papers from Irving H. Picard, the Trustee for the Liquidation of Bernard L. Madoff Securities LLC and the Securities Investment Protection Corporation shall be filed and served by August 29, 2011; reply papers from UniCredit Bank Austria AG shall be filed and served by September 12, 2011; and oral argument will be held before this Court on September 19, 2011 at 4:30 pm.

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¹ Movant does not hereby submit to the personal jurisdiction of this Court, and makes only those arguments permitted by the Court's order of limited withdrawal dated June 3, 2011, which does not allow movant to raise all arguments that they would expect or be required to raise at this procedural phase under Rule 12 of the Federal Rules of Civil Procedure. Accordingly, movant makes this motion without waiving any rights, arguments or defenses, including its right to contest personal jurisdiction.

WHEREFORE, defendant UniCredit Bank Austria AG respectfully requests that the Court enter an order granting the relief requested herein, and such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 25, 2011

Respectfully Submitted,

SULLIVAN & WORCESTER LLP

By: /s/
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